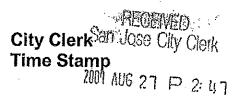
BID OPENING CITY OF SAN JOSE OFFICE OF THE CITY CLERK



TOTAL BASE BID_	414,764-
ALT NO. 1	*
ALT NO. 2	P81.M.(1)
ALT NO. 3	·
Alt No. 4	NATION OF THE PROPERTY OF THE
Alt No. 5	
09	

BID DATE: Thursday, August 27, 2009

Project Manager: Stacey Palomar - 535-8409

ABORN PARK PLAY LOTS PROJECT

BIDDER NAME: 16550m	Valley Construction Inc
	,
Bond √ Cashier's Check	
Addendums Included (🖒)	YESNO
NonCollusion Affidavit	YESNO

ABORN PARK PLAY LOTS

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, August 27, 2009

Bidder: Blossom Valley Construction

PROPOSAL TO CITY OF SAN JOSE

FOR ABORN PARK PLAY LOTS

Name of Bidder:

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on 7/31/09, entitled Aborn Park Play Lots and the Specifications approved by the Director of Public Works on 7/31/09, entitled Aborn Park Play Lots on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished



Main Office • P.O. Box 611537 • San Jose, CA 95161 408.993.0766 • Fax: 408.294.0697

CORPORATE OFFICERS:

PRESIDENT	ROBERT JIMENEZ
VICE PRESIDENT	
SECRETARY	
GENERAL MANAGER / CFO	ROBERT JIMENEZ

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

- 1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
- 2. A "List of Subcontractors".
- 3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: ABORN PARK PLAY LOTS.	
Kobert Simenez	, being first duly sworn, deposes and says that he/she i
he/she has not, either directly or indirectly, entered into any any action in restraint of free competitive bidding in connec false certification may subject certifier to criminal prosecuti The undersigned declares under penalty of perjury	tion; that the bid is genuine and not collusive or sham; that the other bidder to put in a false or sham bid, and has not directly any bidder or anyone else to put in a sham bid, or that anyone any manner, directly or indirectly, sought by agreement ice of the bidder or any other bidder, or to fix any overheader bidder, or to secure any advantage against the public body contract; that all statements contained in the bid are true; and nitted his or her bid price or any breakdown thereof, or the nereto, or paid, and will not pay, any fee to any corporation sitory, or to any member or agent thereof the effectuate at 112, the bidder hereby states, under penalty of perjury, that agreement, participated in any collusion, or otherwise taker dion with this contract. Bidders are cautioned that making a
accompanying documents are true and correct.	
Executed on August 26,2009	
Blossom Valley Construction Legal Company Name Corporation Indicate Type of Entity: Sole Proprietorship, Partnership (General/Limited Partners), Corporation) Joint Venture, etc. By: Title: President	City Business Lic. No.: 0 500(0406) Expiration Date: 12-31-09 State Contractor Lic. No.: 471202 Classification: A 2,C27,D12,D34 Expiration Date: 3-31-11 Federal I. D. No.: 77-0049776 Address: 100000000000000000000000000000000000
NOTARY	
On 8,26,09 before me, Shem K (hame Cobe) Timene 2 the person(s) whose name(s) is/are subscribed to the within ir the same in his/her/likeir authorized capacity(ies), and that by the entity upon behalf of which the person(s) acted, executed	and title of officer) who proved to me on the basis of satisfactory evidence to be a strument and acknowledged to me that he/she/they executed his/her/freir signature(s) on the instrument the person(s), or
I certify under the PENALTY OF PERJURY under the laws and correct.	of the State of California that the foregoing paragraph is true
WITNESS my hand and official seal.	
Signature Notary Nublic Properties Page 3	(Seal) SHERRY K. DAVIS COMM. # 1784042 NOTARY PUBLIC CALIFORNIA SANTA CLARA COUNTY My Comm. Exp. Dec. 8, 2011

SCHEDULE OF QUANTITIES FOR ABORN PARK PLAY LOTS

SECTION	DESCRIPTION OF ITEM	TOTAL
013000	MOBILIZATION	13,243
015000	UTILITY CONFLICT COST ALLOWANCE	\$24,000 (Fixed Lump Sum)
015000	WATER POLLUTION CONTROL PLAN	\$10,000 (Fixed Lump Sum)
015000	EMERGENCY EROSION AND SEDIMENT CONTROL	\$5,000 (Fixed Lump Sum)
024100	SITE PREPARATION AND DEMOLITION	14,410
116813	PLAYGROUND EQUIPMENT	259,639
129300	SITE FURNISHINGS	4620
311000-313100	EARTHWORK	5,555
	OPERATION AND MAINTENANCE PERIOD	3200
321300, 323200,323200	CONCRETE	48,202
328400	PLANTING IRRIGATION	6820
260500-26520	ELECTRICAL	30675
	TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 12, INCLUSIVE) FOR THE LUMP SUM TOTAL OF:>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>	414, 764
	013000 015000 015000 015000 024100 116813 129300 311000-313100 320100 321300, 323200,323200 328400	013000 MOBILIZATION 015000 UTILITY CONFLICT COST ALLOWANCE 015000 WATER POLLUTION CONTROL PLAN 015000 EMERGENCY EROSION AND SEDIMENT CONTROL 024100 SITE PREPARATION AND DEMOLITION 116813 PLAYGROUND EQUIPMENT 129300 SITE FURNISHINGS 311000-313100 EARTHWORK 320100 OPERATION AND MAINTENANCE PERIOD 321300, 323200 CONCRETE 328400 PLANTING IRRIGATION 260500-26520 ELECTRICAL TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 12, INCLUSIVE) FOR THE LUMP

NOTE TO BIDDERS:

The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

	That we,	BLOSSOM V	ALLEY CONSTR	UCTION, INC.	as PRINCIPAL
aud	LIDEDTV MIT	TUAL INSURANCE CO	MPANY	, a corporation di	ily organized under the
laws 0	fine State of	Massachusetts	and duly	licensed to becom	ne sole surety on bonds
require	d or suthorized	by the State of Califo	mia, as SURI	ETY, are held and	firmly bound unto the
City of	(San Jose (herein	after called the "City	"), in the pena	I sum of TEN PE	CENT (10%) OF THE
					by said Principal to the
City of	San Jose, for th	e work described bel	ow; for the pa	yment of which s	um in lawful money of
					ecutors, administrators
and su	ecessors, jointly	and severally, firmly	by these pres	ents. In no case a	hall the liability of the
Surety	hereunder excee	d the sum of	Ten Percer	nt of Amount Bid	DOLLARS (\$
10% of Bi	<u>a</u>)				

THE CONDITION OF THIS OBLIGATION IS SUCH.

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 251 13, on Thursday, August 27, 2009 for ABORN PARK PLAY LOTS.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 21st					
day of August , 20 09 .					
PRINCIPAL	SURETY				
BLOSSOM VALLEY CONSTRUCTION, INC. Logal Company Name	LIBERTY MUTUAL INSURANCE COMPANY Legal Company Name				
Indicate Type of Entity Corporation					
By Med Title: Robert Frances President	By Susan E. Barrett Attorney-In-Fact				
ByTitle:	By Title:				
(Affix Co	rporate Seals)				
(Attach Acknowledgments of be	oth Principal and Surety signatures)				

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:90 am and 4:30 pm EST on any business day.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY BOSTON, MASSACHUSETTS POWER OF ATTORNEY

	KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint NIP PHAM, SUSAN E. BARRETT, ALL OF THE CITY OF MOUNTAIN VIEW, STATE OF CALIFORNIA
	each individually if there be more than one named, its true and lawful attorney in fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surely and as its act and deed, any and all undertakings, bonds, recognizances and other surely obligations in the penal sum not exceeding FIFTY MILLION AND 00/100*********************************
	Triat this power is made and executed pursuant to and by authority of the following By-law and Authorization:
eposit	ARTICLE XIII - Execution of Contracts: Section 5, Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys in fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys in fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.
ses.	By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys in fact:
note, loan, letter of credit, bank debosit, ate or residual value guarantees.	Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys in fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.
of cr lue c	That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.
letter c fual val	IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 11th day of May. 2009
oan, lett residual	LIBERTY MUTUAL INSURANCE COMPANY
	COMMONWEALTH OF PENNSYLVANIA 58 COUNTY OF MONTGOMERY
r mortga te, intere	On this 11th day of May , 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known; and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of sald corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of sald corporation.
Not valid for mortgage, currency rate, interest a	IN TESTIMONY WHEREOF, Indventerunto subscribed my name and affixed my notatial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written. COMMONWEATH OF PENNSYLVANIA Noterial Sea! Torese Pacifile, Notary Public Proposition of Notates Representation of Notates Notary Public Teresa Pastella, Notary Public
	I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys in fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.
	This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.
	VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.
	IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, thisday ofday of
	By Lavid Lavy David M. Carey, Assistant Secretary

ACKNOWLEDGMENT

State of California County of Santa Clara	_)
On SIDIO before me	e, N. Pham, Notary Public (Insert name and title of the officer)
subscribed to the within instrument and acknowledge	evidence to be the person(s) whose name(s) is/are owledged to me that he/she/they executed the same in the thickney the information of the instrument the
I certify under PENALTY OF PERJURY unde paragraph is true and correct.	r the laws of the State of California that the foregoing
WITNESS my hand and official seal.	N. PHAM Commission # 1659458 Notary Public - California Santa Ciara County MY Comm. Evolution Applied
Signature	My Comm. Expires Apr 18, 2010 (Seal)

California all-purpose acknowledgment State of California County of _Santa Clara before me, Sherry K. Davis, Notary Public Here Insert Name and Title of the Officer Robert Jimenez personally appeared _ Name(s) of Signer(s) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/ber/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of Sherry K. Davis Comb. # 1784042 which the person(s) acted, executed the instrument. HOTARY PUBLIC - CALIFORNIAO SANTA CLARA COUNTY My Comm. Exp. Dec. 8, 2011 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. Signature. Piaca Notary Seal Above OPTIONAL Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reatlachment of this form to another document. **Description of Attached Document** Title or Type of Document: _____ Number of Pages: _____ Document Date: _ Signer(s) Other Than Named Above: ___ Capacity(ies) Claimed by Signer(s) Signer's Name: Signer's Name: ___ ☐ Individual □ Individual ☐ Corporate Officer — Title(s): _ ☐ Corporate Officer — Title(s): □ Partner — □ Limited □ General ☐ Partner — ☐ Limited ☐ General RIGHT THUMBPRINT OF SIGNER ☐ Attorney in Fact ☐ Attorney in Fact Top of thumb here Top of thumb here □ Trustee ☐ Trustee ☐ Guardian or Conservator ☐ Guardian or Conservator Other: ☐ Other: __ Signer is Representing: Signer is Representing: __

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

Playgraunds Unlimited Sunnyrale Enshall Play Bairpnest DUBE censhoction Sun Jose Gradiny / Site Prop Northern Undergraund Sun Jose Electrical / Undergraund Robertsch's Endustries Pleasont Hill Rubber Surfaciny C. Aparico San Jose Concrete	NAME OF SUBCONTIRACTOR	EOCALTONOF PLACE OF BUSINESS	EORPHON DESCRIPTION, OF WORK
Sen Jose San Jose San Jose	Playgramols Unlimited	Sunnyvale	Enshall Play Eduponent
J Sen Jose San Jose	DUBE Censtruction	San Jose	Grading / Site Prop
S Dochus hies Peasant Hill P	Northern Undergrand	Sun Jose	Electrical / Undergrama
San Sask	Robertain's Andrehies	Pleasant HTM	Rubber Southering
	C. Aparicio	San Jose	Concrete
	The state of the s		

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME	AGENCY/ENTI	TY	CONTRACT AMOUNT
See attached	- Exhibit	A	
	, .		
			
			
		· · · · · · · · · · · · · · · · · · ·	
		····	
			
			
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			-
			· ·
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Blossom Valley Construction, Inc., Public Works Projects - Exhibit A

24036	24602	27602	27605	27607	27609	28600	Job#	
Meadowlands Parks	Hillstone Park	Dobern Bridge Trail	John S. Bryant Park	Bowden Park	Bonita Park	Berryessa Creek Park	Project	
City of Los Banos	City of San Jose	City of San Jose	City of Pittsburg	City of Palo Alto	K.B. Home South Bay	City of San Jose	Owner / Reference	
Paul Cardoza	Jim Bernard	Ray Castro	Mahta Khalatbari	Chris Raferty	Mike Miller	Jim Bernard	Engin Engineer in Charge Phone	
209-827-7034 2004	408-535-8351	408-858-1875 2007	925-252-4925	650-329-2475	925-750-1748 2007	408-535-8351	Engineer's Phone #	
2004	2004	2007	2007	2007	2007	2008	Date	
390	60	150	365	180	60	40	# Days	
1,097,526.00	620,050.00	\$ 184,518.00	\$ 472,158.00	\$ 116,600.00	\$ 146,300.00	508,142.00	Value	

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME	AGENCY/ENTITY	CONTRACT AMOUNT
See attached	- Exhibit A.	
	· · · · · · · · · · · · · · · · · · ·	
,		
		·
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	,	